

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| In re application of: | Cary L. Bates, et al. | : | Date: May 10, 2012 |
| Group Art Unit: | 2713 | : | IBM Corporation |
| Examiner: | Unknown | : | Intellectual Property Law |
| Serial No.: | 09/637,397 | : | Dept. 917, Bldg. 006-1 |
| Filed: | August 11, 2000 | : | 3605 Highway 52 North |
| Title: | SYSTEM, METHOD, AND PROGRAM FOR RECORDING PRESENTABLE DATA ACCESSED THROUGH INTERACTIVE LINKS DISPLAYED BY AN INTERACTIVE TELEVISION PROGRAM | | Rochester, MN 55901 |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 223313-1450

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
(37 C.F.R. 1.181)

Sir:

Applicants petition for withdrawal of the holding of abandonment herein and resumption of prosecution pursuant to 37 CFR §1.181(a) and MPEP §711.03(c)(I). This petition is made on the ground that any office actions and/or subsequent notices of abandonment herein were sent to the wrong address, and were never received by the applicants.

The above application was filed on August 11, 2000, by the law firm of Felsman, Bradley, Vaden, Gunter & Dillon of Austin, Texas. The original application included a

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declaration requesting that correspondence be directed to Andrew J. Dillon of the law firm of Felsman, Bradley, Vaden, Gunter & Dillon of Austin, Texas. The application further contained an assignment by the inventors assigning all rights to their invention to International Business Machines (IBM) Corporation of Armonk, NY, the real party in interest herein. Applicants subsequently received, through their attorneys above mentioned, an official Filing Receipt dated September 29, 2000. Applicants also received a Notice of Recordation of Assignment Document dated November 27, 2000.

On June 20, 2002, Applicants, acting through attorney James R. Nock of IBM Corporation, filed a document revoking all previous powers of attorney herein, granting a new power of attorney to various attorneys/agents, and directing that all future correspondence be sent to Grant A. Johnson at IBM Corporation.

Applicants have received no communications from the USPTO regarding the present application since the Notice of Recordation of Assignment dated November 27, 2000. Specifically, Applicants have not received, either directly from the USPTO or forwarded from any attorney or agent, any office action requiring a response or any notice of abandonment in the above matter [See attached Declaration of Roy W. Truelson].

On July 27, 2004, and again on February 18, 2010, applicants filed status requests requesting status of the present application. In both instances, applicants received a stamped acknowledgment postcard acknowledging receipt of the status request. Applicants did not receive any other response to either status request [See attached Declaration of Roy W. Truelson].

Recently applicants, through their attorney Roy W. Truelson, contacted the PTO Ombudsman to obtain information, and were informed by telephone that a Notice of Abandonment had been mailed in approximately 2005. Applicants were further informed that this Notice of Abandonment was mailed to Andrew J. Dillon of the law firm of Felsman, Bradley, Vaden, Gunter & Dillon of Austin, Texas, i.e., the correspondent originally specified. Applicants were further informed that the official on-line USPTO record for the above matter listed a correspondence address of Andrew J. Dillon of the law firm of Felsman, Bradley, Vaden, Gunter & Dillon of Austin, Texas [See attached Declaration of Roy W. Truelson].

It appears that the USPTO erroneously continued to send all correspondence herein to Andrew J. Dillon of the law firm of Felsman, Bradley, Vaden, Gunter and Dillon after the power of attorney to Andrew J. Dillon was revoked and the PTO was directed to send correspondence to a different address.

Since the USPTO has never properly addressed any office actions herein or any notice of abandonment, and none were actually received by the applicants, the holding of abandonment was improper. Applicants accordingly request withdrawal of the holding of abandonment and resumption of prosecution of the present application.

It is believed that no fee is required for this Petition.

Date: May 10, 2012

Respectfully submitted,

CARY L. BATES, et al.

A handwritten signature in black ink, appearing to read 'Roy W. Truelson', with a long horizontal flourish extending to the right.

By _____

Roy W. Truelson, Attorney

Registration No. 34,265

(507) 202-8725 (Cell) (507) 289-6256 (Office)

From: IBM Corporation
Intellectual Property Law
Dept. 917, Bldg. 006-1
3605 Highway 52 North
Rochester, MN 55901